IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18615 of 2004

Between:

M.Pandurangaiah S/o.M.Narasaiah
R/o.D.No.7-5-149, Ponka Street, Tirupathi, Chittoor District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority Chittoor, Chittoor District.
2 Motor Vehicles Inspector Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus declaring the action of the 1st respondent in levying and demanding difference of tax of Rs.28,430/- in respect of the petitioners Stage Carriage Bus AP 03/U.3797 for the quarter ending with 30-9-2003 as illegal, arbitrary, contrary to law and principles of natural justice and consequently direct the 1st respondent to receive the tax for the present quarter ending with 31.12.2004 in respect of the said vehicle while directing the respondents to return the Registration Certificate of the said vehicle to the petitioner forthwith.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR TRANSPORT

The Court, at the stage of admission, made the following:

Oral order: (Per: The Hon'ble Mr. Justice Bilal Nazki)

Both the learned counsel appearing for the parties have represented that the matter is covered by the decision of a larger Bench of this court to the extent of payment of difference of tax, but the petitioner will have to pay the compounding fee. As far as the payment of compounding fee is concerned, it shall be the subject matter of the inquiry pending. With regard to the payment of difference of tax, the writ petition is liable to be allowed.

Accordingly, the writ petition is allowed in part to the extent of payment of difference of tax. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Dt. 08-11-2004

Pvks/*

Nb: Furnish c.c. in two days.

B/o pvks/*

To

1 The Secretary, Regional Transport Authority Chittoor, Chittoor District.
2 Motor Vehicles Inspector Tirupati, Chittoor District.

3.2CCs to the Government Pleader for Transport, A.P. High Court Buildings, Hyderabad (OUT).

4.2CD copies

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